

## STATE OF INDIANA

**ERIC J. HOLCOMB, Governor** 

#### PUBLIC ACCESS COUNSELOR LUKE H. BRITT

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## OPINION OF THE PUBLIC ACCESS COUNSELOR

SAMUEL DAVIS,	)
Complainant	) )
<b>v.</b>	) 17-FC-17
WARSAW COMMUNITY HIGH SCHOOL	)
Respondent	) )

### ADVISORY OPINION March 8, 2017

This advisory opinion is in response to the formal complaint alleging the Warsaw Community High School ("WCHS") violated the Access to Public Records Act ("APRA"), Indiana Code § 5-14-1.5-1 et. seq. WCHS responded on February 7, 2017 via Mr. Troy W. Akers, Principal. His response is included for review. Pursuant to Indiana Code § 5-14-5-10, I issue the following opinion to the formal complaint received by the Office of the Public Access Counselor on January 25, 2017.

#### **BACKGROUND**

The formal complaint dated January 9, 2017 alleges the WCHS violated the APRA by not acknowledging a records request.

On or about December 27, 2017, the Complainant submitted a public records request to WCHS for a school surveillance video of an incident involving his daughter and accompanying documentation.

WCHS responded to the complaint by attaching a letter sent to the Complainant attaching all of the documentation save for the video, which had been copied over after being retained for 30 days.



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#### **ANALYSIS**

The public policy of the APRA states that "(p)roviding persons with information is an essential function of a representative government and an integral part of the routine duties of public officials and employees, whose duty it is to provide the information." *See Indiana Code § 5-14-3-1*. The Warsaw Community High School is a public agency for the purposes of the APRA. *See Indiana Code § 5-14-3-2(n)*. Accordingly, any person has the right to inspect and copy the WCHS disclosable public records during regular business hours unless the records are protected from disclosure as confidential or otherwise exempt under the APRA. *See Indiana Code § 5-14-3-3(a)*.

The School responded as soon as possible after being closed during winter break. Submitting a public records request to any school on or around December 30 should be accompanied with an expectation that a response will be delayed until school is back in session.

As for the video footage, routine surveillance video may be deleted after 30 days pursuant to the local and state retention schedule found at <a href="http://www.in.gov/iara/files/county\_general.pdf">http://www.in.gov/iara/files/county\_general.pdf</a> (See GEN-43). From the information provided, it appears as if WCHS had the discretion to properly delete this video.

#### **CONCLUSION**

Based on the foregoing, it is the Opinion of the Public Access Counselor the Warsaw Community High School did not violate the Access to Public Records Act.

Luke H. Britt

**Public Access Counselor** 

Cc: Mr. Troy W. Akers